



Crl.OP.No.17434 of 2023

Crl.O.P.No.17434 of 2023

G.CHANDRASEKHARAN.J.,

The petitioner namely Mohammed Rasik, who was arrested and remanded to judicial custody on 20.10.2022 for the offences punishable under Sections 8(c) read with Sections 20(b)(ii)(C), Section 25 of NDPS Act in Crime No.477 of 2022 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an innocent person and he has been falsely implicated in this case. Petitioner is in Judicial Custody from 20.10.2022. Thus, he seeks bail to the petitioner.

3. The learned Additional Public Prosecutor submitted that, on 19.10.2022, based on the secret information, respondent police mounted surveillance near Bishop Ambrose College. At about 04.00.p.m., they found two persons had come in a vehicle bearing Reg.No. TN 37 DK 6726 and immediately following them, a woman in a vehicle bearing Reg.No. TN 66 AD 4827 with a plastic sack stopped her vehicle near the two-wheeler bearing Reg.No. TN 37 DK 6726 and handed over the plastic sack to them. Respondent police apprehended the two persons



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namely Mohammed Raik and Bala, who came in a vehicle bearing

Reg.No. TN 37 DK 6726 and seized the vehicle and the sac from them.

Respondent police after following the necessary and mandatory procedure, conducted a search on the polythene white plastic sack and found that the sack contains 21 ½ kgs of ganja. Sampling procedure was done and the case was registered. Final report is also filed and the case is pending in C.C.No.35 of 2023 on the file of the learned Special Judge for Economic Offences Cases, Coimbatore.

4. Considered the rival submissions and perused the records. It is seen from the FIR allegations and submissions of the learned counsel appearing for the parties that, petitioners were found in joint possession of ganja weighing 21.5 kgs of ganja. *Prima Facie* materials available shows that, petitioner had illegally acquired ganja for selling it to public, especially to college students. Though, investigation is completed and final report is filed, considering the seizure of commercial quantity of ganja from the possession of this petition and other accused, this Court is of the view that, petitioner has not satisfied the twin conditions as contemplated under Sections 37 of NDPS Act to consider the bail



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petition in his favour. Thus, this Court is not inclined to grant bail to the
petitioner.

5. Accordingly, this Criminal Original petition is dismissed.

08.08.2023

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